

AMENDED IN SENATE APRIL 6, 2016

SENATE BILL

No. 1209

Introduced by Senator Morrell

February 18, 2016

An act to amend Section 7124.6 of the Business and Professions Code, relating to contractors.

LEGISLATIVE COUNSEL'S DIGEST

SB 1209, as amended, Morrell. Contractors: discipline.

Existing law, the Contractors' State License Law, provides for the licensure and regulation of contractors by the Contractors' State License Board. Existing law requires the board, with the approval of the Director of Consumer Affairs, to appoint a registrar of contractors to serve as the executive officer and secretary of the board. *Existing law requires an applicant for licensure to qualify in regard to his or her experience depending on whether the applicant is an individual or a business entity. For purposes of the law, existing law defines "members of the personnel of record" as every person listed in the records of the registrar as then associated with a licensee.* Existing law requires the registrar, among other things, to make available to the public the date, nature, and disposition of all legal actions against a licensee, except as specified. Existing law limits the disclosure of citations to a specified time period.

This bill would require that disclosure of citations also appear, for the period of disclosure of the citation, on the license record of any other license ~~that was issued, or was associated with the license subject to the citation, on or after the date of the act or omission that led to the citation and the other license includes a member of the personnel of record who, at the time that the act or omission occurred that led to the citation, was identified as a qualifier of the license subject to the citation.~~

identified as a qualifier who is listed in the members of the personnel of record of the license that was issued the citation.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7124.6 of the Business and Professions
- 2 Code is amended to read:
- 3 7124.6. (a) The registrar shall make available to members of
- 4 the public the date, nature, and status of all complaints on file
- 5 against a licensee that do either of the following:
- 6 (1) Have been referred for accusation.
- 7 (2) Have been referred for investigation after a determination
- 8 by board enforcement staff that a probable violation has occurred,
- 9 and have been reviewed by a supervisor, and regard allegations
- 10 that if proven would present a risk of harm to the public and would
- 11 be appropriate for suspension or revocation of the contractor's
- 12 license or criminal prosecution.
- 13 (b) The board shall create a disclaimer that shall accompany
- 14 the disclosure of a complaint that shall state that the complaint is
- 15 an allegation. The disclaimer may also contain any other
- 16 information the board determines would be relevant to a person
- 17 evaluating the complaint.
- 18 (c) A complaint resolved in favor of the contractor shall not be
- 19 subject to disclosure.
- 20 (d) Except as described in subdivision (e), the registrar shall
- 21 make available to members of the public the date, nature, and
- 22 disposition of all legal actions.
- 23 (e) Disclosure of legal actions shall be limited as follows:
- 24 (1) (A) Citations shall be disclosed from the date of issuance
- 25 and for five years after the date of compliance if no additional
- 26 disciplinary actions have been filed against the licensee during the
- 27 five-year period. If additional disciplinary actions were filed against
- 28 the licensee during the five-year period, all disciplinary actions
- 29 shall be disclosed for as long as the most recent disciplinary action
- 30 is subject to disclosure under this section. At the end of the
- 31 specified time period, those citations shall no longer be disclosed.

1 ~~(B) Any disclosure pursuant to this paragraph also shall appear~~
2 ~~on the license record of any other license that meets both of the~~
3 ~~following criteria:~~

4 ~~(i) The other license was issued, or was associated with the~~
5 ~~license subject to the citation, on or after the date of the act or~~
6 ~~omission that led to the issuance of the citation.~~

7 ~~(ii) The other license includes a member of the personnel of~~
8 ~~record, as defined in Section 7025, who, at the time of the act or~~
9 ~~omission that led to the issuance of the citation, was identified as~~
10 ~~a qualifier, as defined in Section 7025, of the license subject to the~~
11 ~~citation.~~

12 *(B) Any disclosure pursuant to this paragraph shall also appear*
13 *on the license record of any other license identified as a qualifier*
14 *as defined in Section 7025 who is listed in the members of the*
15 *personnel of record as defined in Section 7025 of the license that*
16 *was issued the citation.*

17 (C) The disclosure described in subparagraph (B) shall be for
18 the period of disclosure of the citation.

19 (2) Accusations that result in suspension, stayed suspension, or
20 stayed revocation of the contractor's license shall be disclosed
21 from the date the accusation is filed and for seven years after the
22 accusation has been settled, including the terms and conditions of
23 probation if no additional disciplinary actions have been filed
24 against the licensee during the seven-year period. If additional
25 disciplinary actions were filed against the licensee during the
26 seven-year period, all disciplinary actions shall be posted for as
27 long as the most recent disciplinary action is subject to disclosure
28 under this section. At the end of the specified time period, those
29 accusations shall no longer be disclosed.

30 (3) All revocations that are not stayed shall be disclosed
31 indefinitely from the effective date of the revocation.